IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc. No.36512-M of 2006 (O&M)
Date of Decision:- 23.02.2007

Vijender Kumar ....Petitioner(s)

through
Mr.Jagjit Gill, Advocate

vs.

State of Punjab ....Respondent(s)

through
Mr.B.S.Baath, AAG, Punjab with
Mr.Mukund Gupta, Advocate.

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CORAM:-HON'BLE MR.JUSTICE SURYA KANT.

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SURYA KANT, J.

The prayer in this petition is to grant pre-arrest bail in F.I.R.No.85 dated 24.5.2006 under Sections 420, 465, 467, 468, 471 and 120-B IPC registered at Police Station City, Mansa.

On June 21, 2006 by an interim order this Court, after taking notice of the fact that the recovery proceedings in respect of the loan amount are pending before the Debts Recovery Tribunal, stayed the petitioner's arrest.

However, on August 25, 2006, during the course of hearing, it was brought to the notice of this Court that the petitioner and his co-accused had forged the bills etc. and secured the loan amount through fraudulent means. Faced with that, it was stated on behalf of the petitioner that the amount due would be brought to the Court for payment.

On September 29, 2006, it was stated before this Court that a compromise had been effected between the Bank and the petitioner and in terms thereof, they were to pay a sum of Rs.32 lacs to the Bank.

However, despite the alleged compromise and/or undertaking

given before this Court that the entire loan shall be discharged, not even a single penny has been paid by the petitioner to the Bank. Accordingly, vide order dated November 21, 2006, the interim bail order was vacated.

It appears that the petitioner is evading his arrest, however, it is not denied by his learned counsel that the loan liability or a part thereof, has not been discharged by the petitioner.

After hearing learned counsel for the parties and having regard to the nature of allegations to the effect that the petitioner allegedly duped the Bank by producing forged and fabricated records and secured the loan, his custodial interrogation appears to be desirable.

Consequently, I do not find any merit in this petition which is accordingly dismissed.

February 23, 2007 **(SURYA KANT)**
poonam **JUDGE**